

JOHN GILBERT vs. APC NATCHIQ, INC.  
CASE NO. 3:03-CV-00174-RRB

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1 Q Okay. Are you doing that as a back-up to these people  
2 or as a substitute when somebody else isn't available  
3 or --

4 A Both.

5 Q Both. Okay. All right. And this -- the amount of  
6 time that you did these kinds of activities was what?

7 A I don't know. At random, it could be on a daily basis  
8 some shifts on the Slope or it could be a weekly basis.  
9 Some weeks maybe not at all.

10 Q Intermittent?

11 A All over the board.

12 Q But is that accurate that it would be intermittent or  
13 on an as-needed basis as opposed to that being your  
14 first responsibility?

15 A Oh, I think that was a primary responsibility was not  
16 office work, but a primary responsibility would be to  
17 make sure that everybody in the field is taken care of  
18 before the paperwork is taken care of in the office.  
19 So, if you wanted to assign priorities, the field work  
20 would come first and then everything else would be  
21 secondary.

22 Q Okay. Within the assigned activities that you were  
23 doing though, how often would you have to exercise this  
24 as compared with the office work that you also had to  
do?

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1 MR. COVELL: And that's marked G-13.

2 (Deposition Exhibit G-13 marked)

3 Q (By Ms. Zobel) Okay. You said you took what was in  
4 this one, meaning G-12?

5 A This -- yes. I took what was passed down from Tom  
6 Sanchez' PAI, regurgitated that in the memo G-12, and  
7 then took it and cut and pasted into the 2002 HEST and  
8 P and P manual, G-13. So the verbiage should be.....

9 Q Well I don't see on G-12 where it says how to do the  
10 calibration or what the action levels were, et cetera.

11 A That just comes right off of the -- the Ludlum meters  
12 operators manual.

13 Q Okay.

14 A Yes, there's his name -- Diane Kobayashi and Tom  
15 Sanchez.

16 Q Okay. So let me see if I can track the procedure you  
17 did. Somebody comes in and says to you we're going to  
18 start doing this testing and procedure?

19 A Uh-huh (affirmative).

20 Q Is that correct? In this case the client said we're  
21 going to do NORM testing?

22 A That's correct.

23 Q And then what would your role be in that procedure?

24 A If they ask me to do the NORM testing I would go to  
5 Diane Kobayashi or Tom Sanchez and pick up a Ludlum

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correct me if I'm wrong, the client came to you and said, we're going to start doing this NORM testing? You then got the resources, you found the information that was needed to comply with what they wanted, you put it in a procedure that went into the manual, and was disseminated to the employees, is that correct?

Yes.

Okay. Would this have been a similar process in doing a -- this is a suspended personnel platform lifting procedure form, did you develop this?

No.

Who did?

It was Don Chenault did this one.

Okay. It's out of your folder, it looks like.

Yes, because I was taking everybody's items and assimilating them into one location.

Okay.

COURT REPORTER: G-14 marked.

MR. COVELL: Yes, ma'am.

(Deposition Exhibit G-14 marked)

(By Ms. Zobel) When you got a section like this from somebody else, did you read them over, and check them over for accuracy?

-- I don't know -- recall right offhand how many

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1 different sections there are of this thing. It's a  
2 huge document. So every time somebody would develop  
3 more, we'd all take turns redlining it for each other.

4 Q I saw a -- I don't know where it is now. I saw a memo  
5 that you sent out to people about the procedure of  
6 putting together this manual, and you noted in that  
7 manual -- in that thing, that this was going to be a  
8 quote daunting task, is that an accurate description of  
9 what you believe this task was?

10 A Yes. It was a huge task, absolutely.

11 Q What was the goal, what were you doing?

12 A This.....

13 MR. COVELL: Object. Just as to where and when  
14 -- what his goal was, okay?

15 MS. ZOBEL: Putting together this manual --  
16 what was his role in putting together this manual?

17 MR. COVELL: I'm sorry, you said role?

18 MS. ZOBEL: Yes.

19 MR. COVELL: I thought you said goal, so --

20 MS. ZOBEL: No.

21 MR. COVELL: I have hearing loss, sorry.

22 MS. ZOBEL: That's fine.

23 MR. COVELL: Okay. Go ahead.

24 A My role is simply to get an updated policies and  
procedures manual for the company.

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1 Q As it applied to safety?

2 A Yes, it's just strictly safety -- it's, again, it's a  
3 regurgitation of the federal and state and applicable  
4 Slope work procedures as they apply to OSHA  
5 regulations. And it's been done before. This was just  
6 updating a previous version that hadn't been done for  
7 years.

8 Q And this would be because of changes in regulations and  
9 procedures that were followed except for.....

10 A Sure.

11 Q Okay. And what percentage of your time do you think  
12 you dedicated to doing this?

13 A A lot at the end. I mean, we were all working  
14 feverishly to get this thing together. I spent a  
15 significant amount of time before I was let go, working  
16 on this document, you know, as we all did so --

17 Q Comparing your work with the people who were the safety  
18 specialists, were you spending a larger amount of your  
19 time doing this than they were?

20 A Not necessarily, no.

21 Q So, they -- we had safety specialists and you spending  
22 as you described it a huge amount of your time doing  
23 just this?

24 A Correct.

Q Okay. And your job what -- within the grand scheme of

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1           things was to coordinate it all?

2 . A       Yes. I was the point of contact to take it all and get  
3           it electronically into one spot and then, you know, I  
4           just had 3-ring binders, so I'd grab them and throw  
5           them in there and assemble everything -- get it in one  
6           spot.

7 . Q       Did you assign particular areas to different people to  
8           develop?

9 . A       I don't think I assigned them, I think we all just kind  
10          of said hey, I'll do this, I'll do that, we all just  
11          kind of went our merry way. I don't think there was  
12          any -- there was no master list that said you were  
13          going to do this, and you're going to do that so --

14 . Q       I'm looking at the exhibits that we marked as -- your  
15          change out notes.

16 . A       Okay.

17           MR. COVELL: It might be 8 -- 7, I believe is  
18          what you're referring to, 12001 is really --

19 . A       G-7.

20           MR. COVELL: Yes, G-7.

21 . A       G-7.

22 . Q       (By Ms. Zobel) Yes.

23 . A       Okay. G-7.

24 . Q       On Job 624 on page 4 of 5. It refers to you -- the  
second line, that you finalized the manbasket lifting

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1 JVA?

2 MS. ZOBEL: A job vacancy announcement.

3 MR. COVELL: Okay. There we go. Thank you.

4 MS. ZOBEL: You've got to know the lingo.

5 MR. COVELL: MBA I know.

6 Q (By Ms. Zobel) Among the meetings that you attended, I  
7 showed you the one that was a staff meeting.

8 A Uh-huh (affirmative).

9 Q And then we talked about safety meetings that were  
10 within the department, were there other meetings that  
11 you would attend, such as a supervisor meeting?12 A There was a Phillips meeting, I think they called it  
the supervisors' meeting.

14 Q Okay. And who would be asked to attend those?

15 A Oh man, the list could be long there. It could be  
16 everybody from Phillips.

17 (Deposition Exhibit G-18 marked)

18 Q Okay. This says distribution: all superintendents,  
19 supervisors, and construction managers.

20 A Okay.

21 Q Okay. So that would be the people who would be  
22 expected to attend?

23 A Yes, and amongst others, you know, so --

24 Q Okay. You wouldn't have attended these as a safety  
25 specialist, would you?**Exhibit 2 Page 29 of 30**

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- A It's -- it's possible you could have attended as a  
2 safety specialist, yes.

3 Q It wasn't the expectation though? You were -- it was  
4 a.....

5 A Correct.

6 Q .....supervisor's meeting?

7 A Correct. But there again, if there was a need for  
8 somebody to be in there to go over a safety item, then  
9 there would be a specialist there so --

10 Q Okay. No, I'm talking about as a regular participant  
11 in the meetings and not on any.....

12 A Correct.

13 Q .....specific need? Okay. And the action item list  
14 and the sidebars to action item list, these are things  
15 that would be discussed, examples?

16 A Uh-huh (affirmative). Yes.

17 Q Okay.

18 MS. ZOBEL: What exhibit number was this?

19 COURT REPORTER: G-18.

20 MS. ZOBEL: Thank you. This is going to be  
21 G-19. Oh, you're having to get creative.

22 (Deposition Exhibit G-19 marked)

23 MR. COVELL: Yes, this one's going vertical.

24 Q (By Ms. Zobel) Okay. Tell me what this is?

25 A Let's see. I honestly don't remember what this is.

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